

BEFORE THE  
POSTAL REGULATORY COMMISSION  
WASHINGTON, D.C. 20268-0001

COMPLAINT OF GAMEFLY, INC.

Docket No. C2009-1(R)

**UNITED STATES POSTAL SERVICE MOTION TO FILE REPLY TO GAMEFLY'S  
"RESPONSE"**  
(May 17, 2013)

On May 13, 2013, GameFly filed a twenty-eight page "response" to Commission Order No. 1700, dated April 16, 2013,<sup>1</sup> and to the report of the Settlement Coordinator<sup>2</sup> and a pleading by the Postal Service,<sup>3</sup> both filed on May 6, 2013.<sup>4</sup> In its response, GameFly presents extensive argument regarding the scope of the Commission's authority on remand, and offers detailed conclusions regarding the feasibility of the remedies under consideration by the Commission.

GameFly's response should be deemed to be a motion for relief. In its conclusion, GameFly makes two requests: 1) the Commission should order the Postal Service to provide GameFly its preferred relief; or 2) the Commission should order the Postal Service to "submit an alternative proposal for rate equalization at a level intermediate between the current First-Class price for a two-ounce flat-shaped round-trip DVD mailer, with a showing that the result complies with 39 U.S.C. § 3622(d)." *Id.* at

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<sup>1</sup> Order Convening Settlement Conference, Order No. 1700, PRC Docket No. C2009-1(R) (April 16, 2013).

<sup>2</sup> Report of Settlement Coordinator, PRC Docket No. C2009-1(R) (May 6, 2013).

<sup>3</sup> United States Postal Service Notice of Filing, PRC Docket No. C2009-1(R) (May 6, 2013).

<sup>4</sup> Response of GameFly, Inc., to Commission Order No. 1700, Report of Settlement Coordinator, and USPS Letter and Notice of Filing, PRC Docket No. C2009-1(R) (May 13, 2013).

27. Pursuant to Rule 21(b), the Postal Service should be allowed to respond. 39  
C.F.R. § 3001.20(b). The Postal Service would oppose both requests for relief.

Alternatively, for the sake of a balanced and complete record, the Postal Service believes that GameFly's arguments and representations cannot go unanswered. Accordingly, the Postal Service respectfully moves for leave to file the accompanying reply.

Respectfully submitted,

UNITED STATES POSTAL SERVICE

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